

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

HERBERT MANYGOAT,

Plaintiff,

vs.

No. CV 19-00402 KWR/LF

LYNNE LOVE and
PHILLIP DENOYER,

Defendants.

MEMORANDUM OPINION AND ORDER OF DISMISSAL

THIS MATTER is before the Court *sua sponte* under Fed. R. Civ. P. 41(b) on the complaint (Doc. 1) and amended Prisoner's Civil Rights Complaint (Doc. 5) filed by Plaintiff Herbert Manygoat. The Court will dismiss the complaint and amended Prisoner's Civil Rights Complaint without prejudice for failure to comply with a Court order and failure to prosecute.

The record reflects that certain mailings to Plaintiff Herbert Manygoat were returned as undeliverable. (Doc. 9). The record and the Court's research indicates that Plaintiff Manygoat has been released from the Metropolitan Detention Center. (Doc. 9). It appears that Plaintiff has been transferred or released from custody without advising the Court of his new address, as required by D.N.M. LR-Civ. 83.6, thus severing contact with the Court.

The Court issued an Order to Show Cause on January 21, 2020, directing Plaintiff Manygoat to notify the Court of a new address, or otherwise show cause why the case should not be dismissed, within 30 days of entry of the Order. (Doc. 10). More than 30 days has elapsed since entry of the Order to Show Cause and Plaintiff Manygoat has not provided the Court with a

new address, responded to the Court's Order, or otherwise shown cause why the case should not be dismissed.

Pro se litigants are required to follow the federal rules of procedure and simple, nonburdensome local rules. *See Bradenburg v. Beaman*, 632 F.2d 120, 122 (10th Cir. 1980). The local rules require litigants, including prisoners, to keep the Court apprised of their proper mailing address and to maintain contact with the Court. D.N.M. LR-Civ. 83.6. Plaintiff Manygoat has failed to comply with D.N.M. LR-Civ. 83.6 and with the Court's January 21, 2020 Order to Show Cause.

Plaintiff Manygoat has failed to comply with the Court's order and failed to prosecute this action by not keeping the Court apprised of his current address. The Court may dismiss an action under Fed. R. Civ. P. 41(b) for failure to prosecute, to comply with the rules of civil procedure, or to comply with court orders. *See Olsen v. Mapes*, 333 F.3d 1199, 1204, n. 3 (10th Cir. 2003). Therefore, the Court will dismiss this civil proceeding pursuant to Rule 41(b) for failure to comply with the Court's Order and failure to prosecute this proceeding.

IT IS ORDERED that the complaint (Doc. 1) and amended Prisoner's Civil Rights Complaint (Doc. 5) are **DISMISSED** without prejudice under Fed. R. Civ. P. 41(b) for failure to comply with the Court's Order and failure to prosecute.



KEA W. RIGGS
UNITED STATES DISTRICT JUDGE